

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
240 777-6600  
(www.co.mo.md.us/council/board/html)

**Case No. A-5773**

**PETITION OF DOUGLAS R. MCADOO**

**ORDER EXTENDING TIME FOR WRITTEN DECISION OF THE BOARD**

(Order adopted July 24, 2002)

(Effective Date of Resolution, August 1, 2002)

Case No. A-5773 is the application filed for a variance to Section 59-C-1.323(a) of the Zoning Ordinance to permit the construction of garage addition.

Pursuant to the Board's Rules of Procedure, Section 9.2, entitled Extension of time for mailings, the Board adopted the following Resolution:

"BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that pursuant to the Rules of Procedure of the Board, and because additional time is required, the allowable time for a written decision on the above-entitled proceeding be, and the same hereby is extended."

The subject property is Lot 12, Block 4, Bannockburn Subdivision, located at 7201 Crail Drive, Bethesda, Maryland, in the R-200 Zone (Tax Account No. 00612128).

On a motion by Louise L. Mayer, seconded by Allison Ishihara Fultz, with Donna L. Barron, Angelo M. Caputo and Donald H. Spence, Jr., Chairman, in agreement the Board adopted the following Resolution.

---

Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 1st day of August, 2002.

---

Katherine Freeman  
Executive Secretary to the Board

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600  
([www.co.mo.md.us/council/board/html](http://www.co.mo.md.us/council/board/html))

**Case No. A-5773**

**PETITION OF DOUGLAS R. MCADOO**

(Hearing held June 19, 2001)

**OPINION OF THE BOARD**

(Effective date of Opinion, August 2, 2002)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for a variance from Section 59-C-1.323(a). The petitioner proposes to construct a garage addition that requires a three (3) foot variance as it is within 68.50 feet of the established front building line. The required setback is 71.50 feet.

The subject property is Lot 12, Block 4, Bannockburn Subdivision, located at 7201 Crail Drive, Bethesda, Maryland, in the R-200 Zone (Tax Account No. 00612128).

Decision of the Board: Requested variance **denied**.

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioner proposes to construct a 35.5 x 22 foot garage addition in the northeast section of the lot. The petitioner testified that the garage would be connected to the residence with a breezeway.
2. The petitioner testified that the shape of his lot is unique, as no two lots in the neighborhood are identical, and that his lot is one of the smallest in the immediate neighborhood.
3. The petitioner testified that the topography of his lot is three-tiered, the lot slopes upward approximately 12-14 feet from the curve to the front door, then slopes upward an additional 10 feet before leveling off. The petitioner testified that the garage would be located in the flattest area of the lot.
4. In response to questions from the Board, the petitioner stated that the proposed structure could not be located elsewhere and maintain its usefulness, and that any other location on the lot would eliminate the proposed work and storage areas.

## **FINDINGS OF THE BOARD**

Based upon the petitioner's binding testimony and the evidence of record, the Board finds that the variance must be denied. The requested variance does not comply with the applicable standards and requirements set forth in Section 59-G-3.1(a) and (b) as follows:

*(a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the petitioner's lot has no exceptional topographical or other conditions that are not shared with the neighboring and adjoining properties and disagrees with the petitioner's assertion that the lot is one of the smallest in the neighborhood. (See, Exhibit No. 11). The Board notes that the irregular shape of the petitioner's lot is a common characteristic of the neighborhood and does not create the need for the variance.

The Board notes that the slope of the property does not render the lot unbuildable or limit new construction on the lot.

*(b) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions*

The Board notes that a reduction in the length of the addition would eliminate the need for a variance and finds that the proposed structure is not the minimum reasonably necessary.

The petition does not meet the requirements of Section 59-G-1.3(a) and (b). The Board did not consider the other requirements in that section for the grant of a variance. Accordingly, the requested variance of three (3) feet from the required 71.50 foot established front building line for the construction of a garage addition is denied.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

On a motion by Allison Ishihara Fultz, seconded by Louise L. Mayer, with Angelo M. Caputo and Donna L. Barron, Vice Chairman, in agreement, the Board adopted the following Resolution. Board member Donald H. Spence, Jr., Chairman, was necessarily absent and did not participate in this Resolution.

---

Donna L. Barron  
Vice Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of

Appeals this 1st day of August, 2002.

---

Katherine Freeman  
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.